

Appl. No. 10/785,277
Atty. Docket No. CM2601MC2
Amdt. dated November 15, 2005
Reply to Office Action of August 15, 2005
Customer No. 27752

REMARKS

Priority

A certified copy of the European application, as required by 35 U.S.C. § 119(d), was filed concurrently with this response.

Claim Status

Claims 1-10 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 is amended by inserting “located on said absorbent member” following the words “at least one region.” Support for the amendment can be found on page 13, line 24 of the specification.

Rejection Under 35 U.S.C. § 102

Claims 1-4, 9, and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ohnishi et al. (U.S. Patent No. 6,524,508). Claim 1 is amended by inserting “located on said absorbent member” following the words “at least one region.” Ohnishi et al. fails to disclose a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt. Rather, the particles of chitosan in Ohnishi et al. are dispersed within the interior of the individual fibers in the form of fine particles. The fine particles of chitosan in Ohnishi et al. are uniformly observed within the cross section of a fiber when observing the cross section of a fiber. U.S. Patent No. 6,524,508, Column 4, lines 25-30. Particles of chitosan located within the cross section of individual fibers differs from particles of chitosan located on the absorbent member. Furthermore, Ohnishi et al. does not disclose an absorbent member. Rather, Ohnishi et al. discloses individual fibers arranged to form a spun yarn, woven cloth and nonwoven fabric. Finally, Ohnishi et al. does not disclose the affinity to water of the fibers disclosed therein. Whether acrylic is characterized as hydrophilic or hydrophobic depends on the particular formulation of the polymer within the class of acrylics and the particular definitions chosen for defining what is hydrophilic or hydrophobic.

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The Applicants submit that Claim 1, as amended, is allowable over Ohnishi et al. and respectfully request that the rejection of Claim 1, under 35 U.S.C. § 102(e), be withdrawn. Because Claims 2-4, 9, and 10 depend from Claim 1, Claims 2-4, 9, and 10 should also be allowed over Ohnishi et al.

Rejection Under 35 U.S.C. § 103(a) Over Kelkenberg in view of Kellenberger et al. and Sackmann et al.

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelkenberg (U.S. Patent No. 5,496,933) in view of Kellenberger et al. (U.S. Patent No. 4,699,823) and Sackmann et al. (U.S. Patent No. 5,635,569). Claim 1 is amended by inserting “located on said absorbent member” following the words “at least one region.” The Applicants submit that Claim 1, as amended, is patentable over Kelkenberg in view of Kellenberger et al. and Sackmann.

Kelkenberg, Kellenberger et al., and Sackmann, when combined, fail to teach or suggest a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt having a particle size distribution with a mean diameter $D(v,0.9)$ of not more than about 300 μm . Kelkenberg teaches particles of chitosan in hygienic articles but fails to teach particles of chitosan located on the absorbent member. Furthermore, Kelkenberg fails to disclose chitosan particles with a mean diameter $D(v,0.9)$ of not more than 300 μm . Kellenberger et al. teaches particles of super absorbent polymers having a particular size but is devoid of any reference to chitosan. Similarly, Sackmann et al. teaches that smaller particles of super absorbent polymers reach an equilibrium swelling state more rapidly than larger particles but fails to teach or suggest anything with respect to chitosan. The super absorbent polymers of Kellenberger et al. and Sackmann et al. are not chitosan, as claimed in the present application. Neither Kellenberger et al. or Sackmann et al. teach or suggest that the disclosures regarding the size of super absorbent polymers are relevant to the behavior of particles of chitosan.

The Applicants submit that Claim 1, as amended, is patentable over Kelkenberg in view of Kellenberger et al. and Sackmann and respectfully request that the rejection of Claim 1, under 35 U.S.C. § 103(a), be withdrawn. Because Claims 2-10 depend upon Claim 1, Claims 2-10 are also allowable over Kelkenberg in view of Kellenberger et al. and Sackmann.

Response to Double Patenting Rejections

Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann et al. Claim 1 is amended by inserting “located on said absorbent member” following the words “at least one region.” The Applicants submit that Claim 1, as amended, is patentable over claims 1-15 of U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann because the references, when combined, fail to teach or suggest a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt having a particle size distribution with a mean diameter $D(v,0.9)$ of not more than about 300 μm . Claims 1-15 of U.S. Patent No. 6,833,487 fail to teach or suggest chitosan with a mean diameter $D(v,0.9)$ of not more than about 300 μm . Kellenberger et al. teaches particles of super absorbent polymers having a particular size but is devoid of any reference to chitosan. Similarly, Sackmann et al. teaches that smaller particles of super absorbent polymers reach an equilibrium swelling state more rapidly than larger particles but fails to teach or suggest anything with respect to chitosan. The super absorbent polymers of Kellenberger et al. and Sackmann et al. are not chitosan, as claimed in the present application. Neither Kellenberger et al. or Sackmann et al. teach or suggest that the disclosures regarding the size of super absorbent polymers are relevant to the behavior of particles of chitosan. The Applicants submit that Claim 1, as amended, is patentable over claims 1-15 of U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann and the Applicants respectfully request that the double patenting rejection of Claim 1 be withdrawn. Because Claims 2-10 depend upon Claim 1, Claims 2-10 are also allowable over claims 1-15 of U.S. Patent No. 6,833,487 in view of Kellenberger et al. and Sackmann.

Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,867,287 in view of Kellenberger et al. and Sackmann et al. Claim 1 is amended by inserting “located on said absorbent member” following the words “at least one region.” The Applicants submit that Claim 1, as amended, is patentable over claims 1-24 of U.S. Patent No. 6,833,287 in view of Kellenberger et al. and Sackmann because the references, when combined, fail to teach or suggest a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt having a particle size distribution with a mean

diameter $D(v,0.9)$ of not more than about 300 μm . Claims 1-24 of U.S. Patent No. 6,867,287 fail to teach or suggest chitosan with a mean diameter $D(v,0.9)$ of not more than about 300 μm . Kellenberger et al. teaches particles of super absorbent polymers having a particular size but is devoid of any reference to chitosan. Similarly, Sackmann et al. teaches that smaller particles of super absorbent polymers reach an equilibrium swelling state more rapidly than larger particles but fails to suggest or teach anything with respect to chitosan. The super absorbent polymers of Kellenberger et al. and Sackmann et al. are not chitosan, as claimed in the present application. Neither Kellenberger et al. or Sackmann et al. teach or suggest that the disclosures regarding the size of super absorbent polymers are relevant to the behavior of particles of chitosan. The Applicants submit that Claim 1, as amended, is patentable over claims 1-24 of U.S. Patent No. 6,833,287 in view of Kellenberger et al. and Sackmann and the Applicants respectfully request that the double patenting rejection of Claim 1 be withdrawn. Because Claims 2-10 depend upon Claim 1, Claims 2-10 are also allowable over claims 1-24 of U.S. Patent No. 6,833,287 in view of Kellenberger et al. and Sackmann.

Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,887,564 in view of Kellenberger et al. and Sackmann et al. Claim 1 is amended by inserting “located on said absorbent member” following the words “at least one region.” The Applicants submit that Claim 1, as amended, is patentable over claims 1-21 of U.S. Patent No. 6,887,564 in view of Kellenberger et al. and Sackmann because the references, when combined, fail to teach or suggest a substantially hydrophilic absorbent member comprising at least one region located on said absorbent member with particles of a substantially water-soluble chitosan salt having a particle size distribution with a mean diameter $D(v,0.9)$ of not more than about 300 μm . Claims 1-21 of U.S. Patent No. 6,887,564 fail to teach or suggest chitosan with a mean diameter $D(v,0.9)$ of not more than about 300 μm . Kellenberger et al. teaches particles of super absorbent polymers having a particular size and is devoid of any reference to chitosan. Similarly, Sackmann et al. teaches that smaller particles of super absorbent polymers reach an equilibrium swelling state more rapidly than larger particles but fails to teach or suggest anything with respect to chitosan. The super absorbent polymers of Kellenberger et al. and Sackmann et al. are not chitosan, as claimed in the present application. Neither Kellenberger et al. or Sackmann et al. teach or suggest that the disclosures regarding the size of super absorbent polymers are relevant to the behavior of particles of chitosan. The Applicants submit that Claim 1, as amended, is patentable over claims 1-21 of U.S. Patent No. 6,887,564 in view

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of Kellenberger et al. and Sackmann and the Applicants respectfully request that the double patenting rejection of Claim 1 be withdrawn. Because Claims 2-10 depend upon Claim 1, Claims 2-10 are also allowable over claims 1-21 of U.S. Patent No. 6,887,564 in view of Kellenberger et al. and Sackmann.

Applicant agrees to submit a Terminal Disclaimer to obviate a provisional double patenting rejection over Application 10/785,464 upon notice of allowable subject matter.

Conclusion

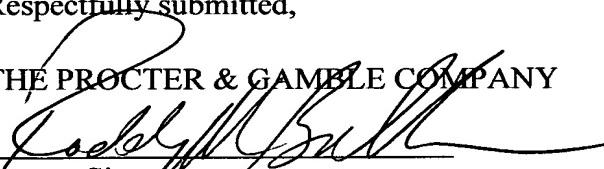
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 102 second paragraph, 35 U.S.C. § 103, and the double patenting rejections. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 1-10 are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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